

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LINDA A. KPAKA and
MAHAMUD S. KPAKA, II,

Plaintiffs,

-against-

NEW YORK CITY, et al.,

Defendants.
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16-CV-5205 (PKC) (OTW)

REPORT AND RECOMMENDATION

ONA T. WANG, United States Magistrate Judge:

To the Honorable P. Kevin Castel, United States District Judge:

Plaintiffs, appearing *pro se*, brought this action asserting that Defendants violated their rights. By Order dated May 30, 2018 (ECF 89), the Court noted that Defendants have been unable to serve Plaintiffs with filings in this case and directed Plaintiffs to update their addresses within 30 days. The Order concluded that if Plaintiffs failed to comply with that directive, I would recommend dismissal of the action without prejudice for failure to prosecute. On June 21 and June 25, 2018, the Court received notice that the May 30, 2018 Order, which was mailed to Plaintiffs, was returned as undeliverable and with no forwarding address (see ECF entries, dated June 21, 2018, June 25, 2018). Therefore, for the reasons stated in the May 30, 2018 Order, I recommend that this action be dismissed without prejudice for failure to prosecute.

In accordance with 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have fourteen (14) days (including weekends and holidays) from receipt of this Report to file written

objections. *See also* Fed. R. Civ. P. 6 (allowing three (3) additional days for service by mail). A party may respond to any objections within fourteen (14) days after being served. Such objections, and any responses to objections, shall be filed with the Clerk of Court, *Pro Se* Intake Unit, United States Courthouse, 500 Pearl Street, Room 200, New York, New York 10007. Any requests for an extension of time for filing objections must be directed to Judge P. Kevin Castel.

FAILURE TO FILE OBJECTIONS WITHIN FOURTEEN (14) DAYS WILL RESULT IN A WAIVER OF OBJECTIONS AND WILL PRECLUDE APPELLATE REVIEW. (*See Thomas v. Arn*, 474 U.S. 140, 155 (1985); *IUE AFL-CIO Pension Fund v. Herrmann*, 9 F.3d 1049, 1054 (2d Cir. 1993); *Frank v. Johnson*, 968 F.2d 298, 300 (2d Cir. 1992); *Wesolek v. Canadair Ltd.*, 838 F.2d 55, 58 (2d Cir. 1988); *McCarthy v. Manson*, 714 F.2d 234, 237-38 (2d Cir. 1983)).

The Clerk of the Court is respectfully directed to serve a copy of this Order on each of the Plaintiffs.

Respectfully submitted,

Dated: New York, New York
July 13, 2018

s/ Ona T. Wang

Ona T. Wang
United States Magistrate Judge